

08/27/01  
1059 U.S. PTO

REQUEST FORM AND FORMALITIES PRELIMINARY AMENDMENT FOR  
FILING A PATENT APPLICATION UNDER 37 C.F.R. 1.53(b)  
Submit an original and a duplicate for fee processing

THIS APPLICATION:		PRIOR APPLICATION:		TOTAL NO.
DOCKET NUMBER	FILING DATE	EXAMINER	ART UNIT	OF PAGES
P63371US1	August 27, 2001	D. Schlak	3653	44

Address to:

Commissioner of Patents  
Box Patent Application  
Washington, D.C. 20231

**RULE 53(f) - NO FEE**

1040 U.S. PTO  
09/938595  
08/27/01

This is a request for filing a [ X ] continuation or [ ] divisional application under 37 C.F.R. 1.53(b) of prior application Serial No. **09/147674** filed on **April 29, 1999**, entitled **DRY PHYSICAL SEPARATION OF PARTICULATE MATERIAL** by the following inventor(s).

	Family Name	First Given Name	Second Given Name
Full Name of Inventor	O'CONNOR	Maureen	Teresa
	City	State or Foreign Country	Country of Citizenship
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Post Office Address	3/29 Augustus St., Toowong, Qld. Australia 4066		

	Family Name	First Given Name	Second Given Name
Full Name of Inventor	CLOUT	John	Michael Frederick
	City	State or Foreign Country	Country of Citizenship
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	Family Name	First Given Name	Second Given Name
Full Name of Inventor	GANNON	John	Francis
	City	State or Foreign Country	Country of Citizenship
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	Family Name	First Given Name	Second Given Name
Full Name of Inventor	WELLER	Keith	Russell
	City	State or Foreign Country	Country of Citizenship
Residence & Citizenship	Chapel Hill	Qld., Australia	Australia
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☐ additional sheet(s) with inventors information attached

1 ☒ A Second Preliminary Amendment is enclosed.

2 ☐ Cancel claim(s) \_\_\_\_\_ for purposes of lessening filing fees.

The filing fee is calculated on the basis of the claims existing in the prior application as amended by 1 and/or 2 above.

### CLAIMS

Basic Fee		\$355	\$710
Total Claims	12 - 20 =	x 9 = \$	x 18 = \$
Ind. Claims	2 - 3 =	x 40 = \$	x 80 = \$
<input type="checkbox"/> Multiple Dependent Claims		+135 = \$	+ 270 = \$
		Total \$	Total \$710

3. [ ] The Commissioner is hereby authorized to charge fees under 37 C.F.R. 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.

4. [X] This application is filed under Rule 53(f) and therefore the [X] Filing Fee [ ] Declaration is not enclosed. All authorization to charge Deposit Account No. 06-1358 for 35 C.F.R. 1.16 fees previously made is revoked.

5. [ ] A check in the amount of \$\_\_\_\_\_ is enclosed.

6. [X] Amend the specification by inserting before the first line the sentence:

This is a Continuation of application Serial No. 09/147674 filed April 29, 1999.

[X] which in turn was nationalized from PCT/AU97/00507 filed August 11, 1997, now lapsed.

7. [ ] A verified statement claiming small entity status under 37 CFR 1.9 and 1.27:

a) [ ] was claimed by way of a declaration filed in prior application Serial No. \_\_\_\_\_.

b) [ ] is claimed by way of the attached declaration.

8. [X] Priority of application Serial No. P01569, filed on August 12, 1996 in Australia is claimed under 35 U.S.C. 119.

a) [X] Certified copy is on file in prior application, Serial No. 09/147674.

b) [ ] Certified copy filed herewith.

9. [X] The prior application is assigned of record to COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION.

10. [X] The Power of Attorney in the prior application is to at least one of the following:

John Clarke Holman, 22,769; Harvey B. Jacobson, Jr., 20,851; Marvin R. Stern, 20,640; Allen S. Melser, 27,215; Michael R. Slobasky, 26,421; Jonathan L. Scherer, 29,851; Irwin M. Aisenberg, 19,007; William E. Player, 31,409; Yoon S. Ham, 45,307; and Nathaniel A. Humphries, 22,772.

a) [X] The power appears in the original papers of the prior application.

b) [ ] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

11. ☒ Petition to extend the life of the above prior application to at least the date hereof

NOTE: (One box) ☒ is being concurrently filed in  
(must be) that prior application.  
(X'd) ☐ was previously filed in that application.  
☐ is not necessary.

If a Petition for Extension of Time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge any fees necessary under 37 CFR 1.17 (a)(1)-(5) to Deposit Account No. 06-1358.

12. ☐ New formal drawings are enclosed.

13. ☒ Enclosed is a copy of the Information Disclosure Statement (IDS) and PTO 1449 which was filed in Serial No. 09/147674, filed April 29, 1999 which is relied on for an earlier filing date under 35 U.S.C. 120.

a) ☐ More than one IDS was filed in the above Serial No. and copies of each IDS, less the documents, are enclosed.

14. ☒ Enclosed is a copy of the PTO 892 which issued in Serial No. 09/147674, filed April 29, 1999 which is relied on for an earlier filing date under 35 U.S.C. 120.

a) ☐ More than one PTO 892 issued in the above Serial No. \_\_\_\_\_ and copies of each PTO 892, less the documents, are enclosed.

15. ☐ Also enclosed is:

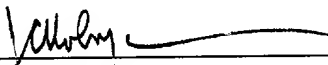
Address all future correspondence to:

Customer No. 00136  
or  
JACOBSON HOLMAN PLLC  
400 Seventh Street, N.W.  
Washington, D.C. 20004-2201  
Telephone 202/638-6666

Enclosed is a copy of the prior application including the Declaration as originally filed, application, namely Serial No. 09/147674, filed on April 29, 1999. The entire disclosure of the prior application is hereby incorporated by reference.

Respectfully submitted,

By

  
John C. Holman  
Reg. No. 22,769  
JACOBSON HOLMAN PLLC  
400 Seventh Street, N.W.  
Washington, D.C. 20004  
(202) 638-6666

Signed this 27th day of  
August, 2001

☒ Attorney or Agent of record

☐ Filed under 37 CFR 1.34(a)

JCH-5/01 - 105

TO: "REG" "SERIES" "01"